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FILED

March 15, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW &
PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

THOMAS P. DEVLIN, D.O.
License No. MB26787

:

Administrative Action

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

:

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Thomas P. Devlin, D.O., is the holder of License No. MB26787 and was licensed to practice medicine and surgery in the State of New Jersey from 1973 until 1991 when Respondent placed his license on inactive status.

CERTIFIED TRUE COPY

2. On or about December 6, 2002, Respondent pled guilty in the United States District Court, District of South Carolina, to conspiracy to distribute and distributing Schedule III controlled substances. Pursuant to the Plea Agreement, Respondent also pled guilty to "causing controlled substances to be dispensed outside the usual course of medical practice and for other than legitimate medical purposes, in violation of Title 21, United States Code, §841; to defraud health care benefit programs by submitting false claims, in violation of Title 18, United States Code, 51347; and laundering money with the intent to promote the carrying on of these unlawful activities, in violation of Title 18, United States Code, §1956(a)(1)(A)(I)."

3. On or about June 9, 2004, the South Carolina State Board of Medical Examiners ("South Carolina Board") issued a Final Order revoking Respondent's license to practice medicine based on Respondent's criminal conviction. Specifically, the South Carolina Board found that Respondent violated S.C. Code Ann. §40-47-200(F)(2)(1976), as amended, in that Respondent pled guilty to a felony or other crime involving moral turpitude or drugs, as evidenced by the Plea Agreement executed by Respondent on December 6, 2002. The South Carolina Board found that Respondent violated S.C. Code Ann. §40-47-200(F)(7)(1976), as amended, and S.C. Code of

Regulation No. 81-60(C) of the Board of Medical Examiners, in that Respondent failed to respect the law, as evidenced by the Plea Agreement executed by Respondent on December 6, 2002 in which Respondent pled guilty to certain charges, those charges being fully stated in the Plea Agreement and Superseding Indictment, both of which, were placed into evidence. In addition, the South Carolina Board found that Respondent violated S.C. Code Ann. §40-47-200(F) (8)(1976), as amended, in that he engaged in unprofessional conduct that is likely to harm the public, as evidenced by the Plea Agreement executed by Respondent and Superseding Indictment, both of which were placed in evidence.

CONCLUSION OF LAW

1. The above criminal action taken by the United States District Court, District of South Carolina, against Respondent provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(f), in that, Respondent has engaged in acts constituting a crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board.

2. The above disciplinary action taken by the sister state of South Carolina provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in

New Jersey pursuant to N.J.S.A. 45:1-21(g), in that, Respondent's license to practice medicine has been revoked by another State.

3. The above disciplinary action taken by the sister state of South Carolina provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(e), in that, Respondent engaged in professional misconduct.

4. The above disciplinary action taken by the sister state of South Carolina provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(m), in that, Respondent has prescribed or dispensed controlled dangerous substances indiscriminately or without good cause, or where Respondent knew or should have known that the substances were to be used for unauthorized consumption or distribution.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice medicine and surgery in the State of New Jersey was entered on October 26, 2005 and a copy was forwarded to Respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00

p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon Respondent, no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 15th day of Mar, 2006,
ORDERED AND AGREED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey shall be and is hereby suspended until such time as Respondent's license to practice medicine in the State of South Carolina is fully reinstated without any restrictions.

2. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board, or a committee thereof, to demonstrate fitness to resume practice, to

show that Respondent has satisfied all requirements of any South Carolina disposition and that he is reinstated to the practice of medicine in that State. Respondent shall also demonstrate that he has satisfied the terms of the criminal disposition entered against him by the United States District Court, District of South Carolina. Any practice in this State prior to reinstatement shall constitute grounds for the charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on Respondent's practice should Respondent's license be reinstated in the State of New Jersey.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS



By: _____

Sindy Paul, M.D.
Board President